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October 3, 2005

ELECTRONICALLY FILED

The Honorable Kent A. Jordan
United States District Court Judge
United States District Court
844 North King Street, Lock Box 10
Wilmington, DE 19801

Re: Kutten, et al. v. Bank of America, et al.; Case No. 05-20

Dear Judge Jordan:

Pursuant to the Order dated September 23, 2005 requesting a status report, we have been asked to provide Your Honor with Plaintiffs Ellen Jane Kutten and Mary Ann Arnold's update regarding the discovery at issue in this miscellaneous action.

While discovery has commenced in a related action involving defendant Nations Funds Trust, captioned *Reinke v. Bank of America*, No. 4:04-CV-1758 (E.D. Mo), Nations Funds Trust has still not produced any documents in either this or the *Reinke* case. Nations Fund's failure to produce documents does not comport with the spirit of its representations before the Court and if it does not produce the documents sought by Plaintiffs later this month, Plaintiffs reserve their right to renew their request for the Court's intervention.

Respectfully submitted,

Sidney S. Liebesman

SSL:cme

cc: Clerk of the Court (by hand)
Richard D. Kirk, Esq. (via electronic filing and facsimile)
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